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REMARKS

Claims 1, 6, 11, and 16 are amended. Claims 17 and 18 are canceled without prejudice or disclaimer. Claims 2, 3, 7, and 12-15 were previously canceled without prejudice or disclaimer. No new matter is added by these amendments. Claims 1, 4-6, 8-11, 16, and 19-20 are pending. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Claim Rejections Under 35 U.S.C. 102(e)

Claims 1, 4, 6, 8, and 11 are rejected under 35 U.S.C. 102(e) as anticipated by 20040203645 to Forman. Applicant respectfully submits that the claims are patentable over Forman because Forman does not teach each and every claim element arranged as in the claims, as further argued below.

Claim 1 recites: "sending a transcript command from the telephone to a server after the connection is available, wherein the transcript command comprises a designated destination, a designated sender, and a designated receiver, wherein the transcript command requests the server to select previously-sent messages from a transcript stored at the server that were previously sent by the designated sender and were previously received by the designated receiver, wherein the transcript command further requests the server to send the selected previously-sent messages to the designated destination, wherein the designated destination comprises the telephone."

Forman, at column 2, [0023], merely describes the sending of a message, and does not teach or suggest that a telephone receives previously-sent messages that were previously sent by a designated sender and previously received by a designated receiver, as recited in claim 1. Further, Forman does not teach or suggest selecting previously sent messages from a transcript stored at a server, as recited in claim 1 because the cellular service provider merely "delivers the queue of outbound messages," as recited at column 2, [0023], so Forman does not teach or suggest that the cellular service provider stores a transcript of previously sent messages or is capable of selecting previously sent messages.

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Claims 6 and 11 recite similar elements as those argued above for claim 1 and are patentable over Forman for similar reasons. Claims 4 and 8 are dependent on claims 1 and 6, respectively, and are patentable over Forman for the reasons argued above, plus the elements in the claims.

Claim Rejections Under 35 U.S.C. 103

Claims 5, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forman in view of 20040203948 to Provost. Applicant respectfully submits that the claims are patentable over the references because they do not teach or suggest all of the claim elements, as further argued below.

Claims 5, 9, and 10 are dependent on claims 1 and 6, respectively, and are patentable over Forman for the reasons argued above. Provost, as described at page 1, [0001] is directed to "a read acknowledgement system for acknowledging that a message sent from a transmitter terminal and received on a destination mobile terminal has actually been read," and Provost has no notion of a telephone that receives previously-sent messages that were previously sent by a designated sender and previously received by a designated receiver, as recited in claims 1 and 6. Further, Provost does not teach or suggest selecting previously sent messages from a transcript stored at a server, as recited in claims 1 and 6.

Thus, the hypothetical combination of Forman and Provost does not teach or suggest all of the elements of claims 5, 9, and 10.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay (20020187788) in view of Forman. Claim 16 includes similar elements as previously argued above for claim 1 and is patentable over Forman for similar reasons.

McKay at [0040] merely recites that "[t]he server computer stores the context at which the call was disconnected" and "attempts to restore pre-disconnection status to the

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connection.” But, the McKay does not select anything from its context, so McKay does not teach or suggest selecting previously-sent messages from a transcript stored at the server, as recited in claim 16.

The Office Action admits that McKay does not disclose sending the transcript to the destination, as recited in claim 16, and relies on Forman at [0023] for sending the transcript to the destination. But, Forman at [0023] merely describes that a cellphone delivers a message to an outbound queue of messages and a cellular service provider delivers the queue of outbound messages. The Forman message was recorded at block 260 of Forman Fig. 2 in response to the cell phone detecting that the call was dropped at block 220, giving notify options at block 230, and a user selection at block 240. Thus, the Forman message is sent from the cellphone that detected the dropped call to the cellular service provider, which is the opposite direction from the sending of the transcript of claim 16. In, claim 16, the server sends the transcript to the telephone that detects that a connection is lost. Hence, claim 16 is patentable over the hypothetical combination of McKay and Forman.

Claims 19 and 20 are rejected under U.S.C. 103(a) as being unpatentable over McKay, Forman, and Provost. Claims 19 and 20 are dependent on claim 16 and include similar elements as previously argued above for claims 5, 9, and 10, so claims 19 and 20 are patentable over the references for similar reasons as those argued above.

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Conclusion

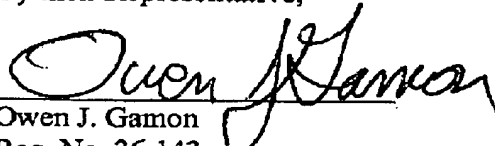
Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,

Gregory R. Hintermeister, et al.

By their Representative,

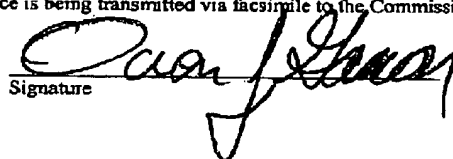

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CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being transmitted via facsimile to the Commissioner for Patents 571-273-8300, on July 17, 2006.

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Signature